

Federal Emergency Management Agency

Washington, D.C. 20472

AA-17

MEMORANDUM FOR: Regional Directors
Regions I-X

ATTENTION: Mitigation Division Directors

FROM: Michael J. Armstrong
Associate Director for Mitigation

DATE: 15-DEC-97

SUBJECT: Timeframes Under the Hazard Mitigation Grant Program
(HMGP)

This memorandum establishes a policy for HMGP application submission and funding obligation timeframes. The purpose of establishing these timeframes is to encourage closeout of the HMGP in order disasters and more timely administration in new disasters. This policy is consistent with other current initiatives intended to facilitate closeout, including the designation of HMGP in all counties of a State affected by a major disaster and the schedule for loci-in of the HMGP ceiling.

Application Submittal

I encourage all States and regions to work within the HMGP application deadline set forth in the program regulations at 44 CFR 206.436(e). The regulation requires that the State forward all selected applications in priority order to the Regional Director within 90 days after the State Hazard Mitigation Plan is approved. This usually results in a deadline between 9 and 18 months after the disaster declaration, but will generally not exceed 18 months.

FEMA strongly encourages States to develop and maintain a current comprehensive Hazard Mitigation Plan pre-disaster in order to expedite project approval after a disaster declaration. The Regional Director should only approve extensions to the State Hazard Mitigation Plan submittal deadline in extraordinary circumstances. Additionally, FEMA encourages States to submit applications as early as possible to take advantage of post-disaster mitigation opportunities and expedite program delivery.

Please encourage States to prepare for the eventuality of application denials, withdrawals, cost overruns, cost underruns, and scope changes. States should submit an adequate number of prioritized applications upfront to fill in for withdrawals and denials, as well as reserve a percentage of funds to cover unexpected cost increases.

Additionally, the program will run more smoothly if States submit applications for Five Percent initiative projects early after the disaster.

Extensions. The Regional Director may extend the above timeframes in 90 day increments, in the event of extraordinary circumstances or to allow a State to adjust to an increase in the HMGP locked-in ceiling, upon a written request from the State. Extensions beyond 18 months after the disaster declaration are to be granted in rare circumstances only.

For open disasters that are over 18 months old, for which the State has not submitted all expected applications to the Regional Director, I urge you to clarify the regulatory deadline with the State. If the regulatory deadline has passed, it is appropriate to provide the State notice of the passed deadline and establish an extension date (up to 90 days, per regulation) within which to submit all applications.

Obligation of HMGP Funds

The Regional Director will make determinations on all project applications and complete *all* obligations for approved applications within 24 months of the disaster declaration.

Note that meeting this deadline requires the completion of the environmental review requirements within a limited timeframe. FEMA strongly encourages States to work with FEMA early on in the project selection process to identify environmental issues and begin necessary reviews.

Allocations. The Regional Director will de-allocate any HMGP funds not obligated or committed to a pending project application after the 24 month obligation deadline has passed. The availability of unused funds expires upon de-allocation. This will facilitate the program closeout process for the disaster.

Exceptions. The Regional Director may extend timeframes related to FEMA actions by up to 90 days, in the event of extraordinary circumstances or to reflect extensions granted to a State.

If the Regional Director and the State have already agreed to a specific application deadline in writing or if the Regional Director has granted an extension deadline that has passed, this memorandum does not alter that arrangement.

Thank you for your assistance in implementing this policy. Please notify the Governors' Authorized Representatives of me changes immediately. If you have any questions or concerns about the new policy, please contact Robert F. Shea at (202) 646-3619.

I intend to issue additional guidance on project construction and completion deadlines for HMGP in the near future. Please provide any comments or suggestions for appropriate completion timeframes to Mr. Shea.